

REMARKS

I. Status of the Application

Claims 1-32 are pending. By this response, claims 1 and 17 have been amended and claims 19-32 have been added.

In the Office Action, the Examiner:

objected to the drawings;

rejected claims 1-3, 5-12 and 14-18 as being anticipated by Howorth (US 3,602,212); and

rejected claims 4 and 13 as being obvious over the combination of Howorth and van der Waaij (US 3,893,457).

Applicant has amended claims 1 and 17 in order to more clearly define and distinctly characterize Applicant's novel invention. Support for the amendments can be found throughout the specification as filed, for example at page 7, lines 3-9 and page 8, lines 1-6, wherein it is disclosed that "the air is then forced ...back into the direction of the inlet opening 44. This leads to recirculation of the air through the airflow unit 40, constantly sterilizing the air." New claims 19-32 have been added, support for which can also be found throughout the specification, and specifically, for claim 19 at from page 8, line 30 to page 9, line 6 and Figures 4, 5, 7 and 9, and for claim 20 at page 7, lines 3-9. Accordingly, the amendments introduce no new matter. Applicant respectfully requests reconsideration of the present application in view of the following remarks, which are intended to place the application in condition for allowance.

II. Requirement for Corrected Drawings

The Examiner objected to the drawings. Applicant acknowledges the objection and is preparing formal drawings for subsequent submission.

III. Claims 1-3, 5-12 and 14-18 Are Patentable over Howorth

Claims 1-3, 5-12 and 14-18 were rejected as being anticipated by Howorth (US 3,602,212). Applicant respectfully traverses this rejection.

Claim 1 is directed to an operation unit and recites, at least in part, an air flow unit comprising air inlet means being provided for retracting air from within said operation unit to said air flow unit. In contrast, in Howorth the means for providing air to tubes B are provided above a ceiling of the operating theatre and apparently suck air in through openings D and b (col. 2, lines 20-33). The intake air flow openings of Howorth do not retract air to the air flow unit from within the operation unit.

Claim 9 depends from claim 1 and recites that the outflow direction of said outflow opening is directed downward in a direction away from said wall. Howorth fails to disclose that outflow is directed away from the wall. Howorth discloses that the outflow of tubes B is directed downward parallel to the walls and, at least partially, radially outward from the tubes B towards the wall.

Claim 10, which also depends from claim 1, recites that the air inlet opening is situated lower than said outflow opening. In contrast, Howorth discloses that intake openings D and b are located above outflow tubes B.

Claim 15 is directed to a method for preparing a person for surgery and recites, at least in part, a part of the body of said person on which surgery is to be performed is moved through an opening under a cover, especially a cloth, an opening being provided in said cloth disclosing an operation area, a flow of substantially sterile air being guided over said cover and at least said operating area. Claim 18, which is directed to a method for performing surgery, contains similar recitations. Howorth fails to disclose an opening in a cloth disclosing an operation area. At

most, Howorth discloses an opening in the operating theatre, wherein the opening is covered by a cloth. Howorth fails to disclose an opening in the cloth. Additionally, Howorth fails to disclose a flow of substantially sterile air being guided over said cover and at least said operating area. At most, Howorth discloses a uniform flow of air downward from the ceiling. Howorth's flow of air is not specifically guided over a cover provided through an opening under a cover disclosing an operation area.

For at least the foregoing reasons, Howorth fails to teach each and every limitation of independent claims 1, 15 and 18. Howorth fails to anticipate dependent claims 2-3, 5-12, 14 and 16-17 for at least the same reasons. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 USC § 102(b) rejection and allowance of claims 1-3, 5-12 and 14-18.

IV. Claims 4 and 13 Are Patentable over Howorth in View of van der Waaij

Claims 4 and 13 were rejected as being unpatentable over Howorth in view of van der Waaij (US 3,893,457). Applicant respectfully traverses this rejection.

Claims 4 and 13 depend, directly or indirectly, from claim 1 and contain additional recitations thereto. Van der Waaij fails to cure the deficiencies of Howorth with respect to claim 1, as discussed above. Thus, for at least the above reasons, Applicant respectfully submits that Howorth in view of van der Waaij fails to render claims 4 and 13 unpatentable. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 USC § 103(a) rejection and allowance of claims 4 and 13.

V. New Independent Claims 19 and 20

Claims 19-32 have been added, claims 19 and 20 being independent claims.

New claim 19, which is directed to an operation unit, recites a wall and an air flow unit, said air flow unit being provided with means for filtering said air, said wall being provided with at least one opening and a cover, covering at least part of said opening, said air flow unit comprising at least one air outlet opening for directing air from said air flow unit over said cover, air inlet means being provided for retracting air to said air flow unit, wherein said at least one air outlet opening is provided adjacent said opening.

Howorth fails to disclose an air outlet opening provided adjacent an opening provided in a wall.

New claim 20, which is directed to an operation unit, recites a wall, a space within said unit and an air flow unit, said air flow unit being provided within said space and provided with means for filtering said air, said wall being provided with at least one opening and a cover, covering at least part of said opening, said air flow unit comprising at least one air outlet opening for directing air from said air flow unit over said cover, air inlet means being provided for retracting air to said air flow unit.

Howorth fails to disclose an air flow unit being provided with a space within an operation unit.

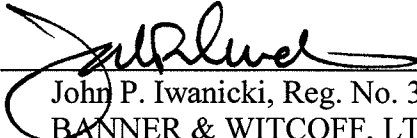
VI. Conclusion

Having addressed all outstanding issues, Applicant respectfully requests reconsideration and allowance of the case. To the extent the Examiner believes that it would facilitate allowance of the case, the Examiner is requested to telephone the undersigned at the number below.

Fees for a three-month extension of time have been included with a Petition of Extension of Time supplied herewith. The Commissioner is authorized to apply any additional charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

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By 
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